



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 09/499,401 | 02/07/2000 | Yukako Nii | 49570(551) | 1212 |
| 21874 | 7590 | 05/24/2004 | EXAMINER | |
| EDWARDS & ANGELL, LLP P.O. BOX 55874 BOSTON, MA 02205 | | | VU, THANH T | |
| | | ART UNIT | | PAPER NUMBER |
| | | 2174 | | 24 |
| DATE MAILED: 05/24/2004 | | | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | |
|------------------------------|-----------------|--------------|
| Office Action Summary | Application No. | Applicant(s) |
| | 09/499,401 | NII, YUKAKO |
| Examiner | Art Unit | |
| Thanh T. Vu | 2174 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 27 February 2004.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) 1-10 and 12-20 is/are allowed.
 6) Claim(s) 11 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This communication is responsive to Amendment E, Filed 02/27/04.

Claims 1-20 are pending in this application. In the Amendment E, claims 1, 11, 13, and 17 were amended. Allowability of claim 11 is withdrawn.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bates et al. (“Bates”, U.S. Pat. No. 5,777,616) in view of Hirose (U.S. 5,745,112).

Bates teaches an information processing apparatus comprising: a pointing device, a display unit displaying a plurality of icons, a detection unit detecting a predetermined operation performed on a first icon which has been dragged to a second icon and moved when positioned at said second icon, said first icon being displayed on said display unit and moved with movement of said pointing device, said second icon including a group of icons associated with said processing condition (Figs. 4B and 5; *icons: 114, 150 and icons: 114 and 160*; Col. 2, lines 20-26; Col. 7, lines 23-25 and lines 42-56; Col. 8, lines 1-9; *The first icon (114) is moved when position at said second icon (150 or 160) in order for a user to select a particular region among the plurality of regions of the second icon. In response to such movement, the GUI indicates to*

Art Unit: 2174

the user that a function associated with a particular region can or cannot be performed on the first icon (the function that can be performed by the indicated region is specified by text displayed beneath the first icon. A NOT symbol 172 of fig. 5 is displayed over the first icon to indicate that the first icon cannot be performed by the function of the indicated region.) Bates does not teach a condition update unit updating a processing condition in information processing based on the detection by said detection unit, said condition update unit updating an item common to a processing condition all together that is associated with said group of icons. However, Hirose teaches a condition update unit updating a processing condition in information processing based on the detection by said detection unit, said condition update unit updating an item common to a processing condition all together that is associated with said group of icons (Figs 13 and 14; Col. 6, lines 44 – 56). Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention to include a condition update unit as taught by Hirose in the invention of Bates in order to display only relevant icons for information processing based on dragging operation done on another icon.

Allowable Subject Matter

Claims 1-10, and 12-20 are allowed.

The prior art either alone or in combination doesn't teach the limitation of a detection unit detecting a predetermined operation performed on a first icon which has been dragged to a second icon and moved when positioned at said second icon wherein said operation is a change of direction of movement performed on the first icon, said first icon displayed on said display unit and moved with movement of said pointing device and a condition update unit changing a

Art Unit: 2174

processing condition of the information processing, represented by the second icon, to be performed on said first icon based on the detection of the operation performed on the first icon in combination with the other claimed features.

Response to Arguments

Applicant's arguments regarding claim 11 have been fully considered but they are not persuasive. The examiner believes that Bates and Hirose's references read on the claim language as expressed in the above rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Dutta et al. (U.S. Pat. No. 6,717,600) disclosed proximity selection of selectable item in a graphical user interface.

Inquiries

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanh T. Vu whose telephone number is (703)-308-9119. The examiner can normally be reached on Mon-Thur and every other Fri 8:30 AM - 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine L. Kincaid can be reached on (703) 308-0640. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2174

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

T. Vu
05/12/04

Kristine Kincaid
KRISTINE KINCAID
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100